APPENDIX A — LIST OF AMICI

Amici are the plaintiffs in *Acree v. Republic of Iraq*, Civil Action No. 02-632 (D.D.C.):

Colonel, USMC (Ret.) Clifford Acree,

Lieutenant Colonel, USMC (Ret.) Craig Berryman,

Former Staff Sergeant, US Army, Troy Dunlap (no longer on active duty),

Colonel, USAF (Ret.) David Eberly,

Lieutenant Colonel, USAF (Ret.) Jeffrey D. Fox,

CWO-5, USMC (Ret.) Guy Hunter,

Sergeant, US Army David Lockett,

Colonel, USAF H. Michael Roberts,

Colonel, USMC Russell Sanborn,

Captain, USN (Ret.) Lawrence Randolph Slade,

Major, USMC (Ret.) Joseph Small,

Staff Sergeant, US Army (Ret.) Daniel Stamaris,

Lieutenant Colonel, Air National Guard Richard Dale Storr,

Lieutenant Colonel, USAF Robert Sweet,

Lieutenant Colonel, USAF (Ret.) Jeffrey Tice,

Former Lieutenant, USN Robert Wetzel (no longer on active duty),

Former Commander, USN Jeffrey Zaun (no longer on active duty),

Cynthia Acree,

Leigh Berryman,

Gail Stubblefield,

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Ronald Dunlap,
Barbara Eberly,
Timm Eberly,
Dr. Robert Fox,
Terrence Fox,
Patricia Borden,
Nancy Gundersen,
Timothy Fox,
Mary Hunter,
Laura Hunter,
William (Ray) Hunter,
Mary Elizabeth (Lily) Hunter,
Patricia Roberts,
Starr Barton,
Anna Slade,
Leanne Small,
David Storr,
Douglas Storr,
Diane Storr,
Arthur Sweet,
Mary Ann Sweet,
Michael Sweet,
Jacqueline Wetzel,
William Wetzel,
James Wetzel,
Edward Wetzel,
Margaret Wetzel,

Appendix A

Paul Wetzel,
Kathleen Farber,
Anne Kohlbecker,
Sally Devin,
Calvin Zaun,
Marjorie Zaun, and
Linda Zaun Lesniak.

APPENDIX B — LETTER OF MARCH 14, 2003 TO THE HONORABLE GEORGE W. BUSH FROM TWENTY DISTINGUISHED FORMER HIGH-LEVEL NATIONAL SECURITY OFFICIALS OF THE UNITED STATES

The Honorable George W. Bush
President of the United States
The White House
Washington, D.C.

Dear Mr. President:

We write to you as former public servants who have served their Nation in the national security process of this great country. We believe you have a unique opportunity for America to send a powerful message that the torture of American POWs will not be tolerated.

American POWs have been brutally tortured in war after war. While our government has tried to deal with this horror, there have been few options realistically available to us to add deterrence against it. Indeed, some of us have wrestled with precisely this challenge while in office. Now, however, thanks to the courageous action of 17 American former Gulf War POWs brutally tortured by Iraq, and 37 of their family members, we have a unique opportunity to establish an historic precedent that Nations which torture American POWs will be held accountable. Last year these brave Americans brought suit against Iraq in United States District Court and, following a non-appearance by Iraq, an entry of default was entered on September 25, 2002. Their case will go to the equivalent of a bench trial before a federal district judge on March 31 of this year. Under current law, these

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American POWs and their family members will be able to enforce any final judgment obtained against the substantial Iraqi blocked assets in the United States.

This would truly be one of the first serious efforts to add deterrence against the torture of American POWs. We believe that this is an historic opportunity that should not be lost. It is time now to establish the principle that we will not return blocked assets of a former enemy state absent full accountability for that state's liability in the torture of American POWs. In this case, that means that no blocked assets of Iraq should be returned to that country until provision has been made for the full payment of any court judgment.

In the event that Iraq refuses to disarm, and war and the inevitable American victory comes, some will urge you to seek legislation to return all blocked assets for the future reconstruction of Iraq, thus overturning current law permitting the POWs to enforce any judgment against the blocked Iraqi assets. We understand the importance in such circumstances of American assistance in bringing about a stable new government in Iraq rooted in the rule of law. That objective should not come, however, at the cost of failing to hold Iraq responsible for its torture of American POWs. The responsibility for torture of American POWs must be regarded by the United States, as it is set out in Article 131 of the POW Convention, as a non-absolvable responsibility of the Contracting State itself. Moreover, it would be simply unthinkable to ask the American POWs tortured by Iraq to bear the cost of the reconstruction of Iraq.

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Never before has an American President had such an opportunity to strike a blow against the torture of our POWs. This is truly a unique opportunity to send a signal to all future tyrants that America values the rule of law and that we will hold nations that torture American POWs accountable.

Dick Cheney, as then-Secretary of Defense, and Mrs. Cheney, and Colin Powell, as then-Chairman of the Joint Chiefs of Staff, as well as Mrs. Powell, personally welcomed these American heroes back from their brutal captivity in Iraq. A decade later, let us embrace these brave Americans in their historic effort to say "never again" to such brutal treatment of our service personnel.

Thank you for your consideration.

Sincerely,

DISTINGUISHED AMERICANS APPENDING THEIR NAMES TO THIS LETTER

Governor Bill Richardson
former United States Ambassador to the United Nations

Ambassador Max M. Kampelman
Chairman Emeritus of the American Academy of Diplomacy, Georgetown University Institute for the Study of Diplomacy & Freedom House

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The Honorable Anthony Lake
former Assistant to the President for
National Security Affairs

The Honorable John Lehman
member of the 9/11 Commission &
former Secretary of the Navy

Ambassador Ronald F. Lehman
former Assistant Secretary of Defense for
International Security Policy & Director of the
United States Arms Control
and Disarmament Agency

Admiral Thomas H. Moorer, U.S.N. (Ret.)
former Chairman of the Joint Chiefs of Staff

Admiral Paul A. Yost, Jr. U.S.C.G. (Ret.)
Commandant of the United States Coast Guard
(1986-1990)

Davis R. Robinson
former Legal Adviser to the
U.S. Department of State

Abraham D. Sofaer
former Legal Adviser to the
U.S. Department of State

Ambassador Richard Schifter
former Assistant Secretary of State
for Human Rights and Humanitarian Affairs

Appendix B

Ambassador Mark Palmer
former Deputy Assistant Secretary of State
and Ambassador to Hungary

Ambassador W. Nathaniel Howell
former U.S. Ambassador to the
State of Kuwait

Ambassador David C. Jordan
Professor of Government and Foreign Affairs
& former U.S. Ambassador to Peru

Vice Admiral James H. Doyle, Jr. U.S.N. (Ret.)
former Deputy Chief of Naval Operations

Major General John K. Singlaub U.S.A. (Ret.)
former Chief of Staff, U.S. Forces, Korea

Lieutenant General CJ Le Van U.S.A. (Ret.)
former J3, Operations Branch, Joint Chiefs of Staff

Rear Admiral Horace B. Robertson, Jr. U.S.N. (Ret.)
Professor (Emeritus) Duke University School of Law
& former Judge Advocate General of the Navy

Malvina Halberstam
Professor of Law & former Counselor on
International Law to the Department of State

Jerome J. Shestack
Past President of the American Bar Association

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Michael P. Malloy, Ph.D.
former Special Assistant for Foreign Assets Control
United States Department of the Treasury

cc: The Honorable Dick Cheney, Vice President of the United States The Honorable Colin Powell, Secretary of State